



DOCKET NO: 218433US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
AKIO NAKAYAMA ET AL. : EXAMINER: DI GRAZIO, J. A.  
SERIAL NO: 10/057,952 :  
RCE FILED: MARCH 8, 2004 : GROUP ART UNIT: 2871  
FOR: LIQUID CRYSTAL DISPLAY :  
DEVICE AND MANUFACTURING  
METHOD THEREFOR

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement mailed May 19, 2004, Applicants provisionally elect, with traverse, Species A, Figure 1, for examination on the merits in the present application. Claims 1-3, 8, 9, 11, 12, 16, and 17 are identified as readable on Species A.

Applicants respectfully traverse the Election of Species Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the claims corresponding to the noted figures would be an undue burden.

In particular, MPEP § 803 states:

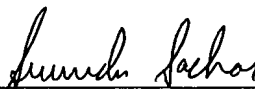
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423  
Attorneys of Record

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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ATTORNEYS AT LAW

GREGORY J. MAIER  
(703) 413-3000  
GMAIER@OBLON.COM

SURINDER SACHAR  
(703) 413-3000  
SSACHAR@OBLON.COM

RE: Application Serial No.: 10/057,952  
Applicants: Akio NAKAYAMA et al.  
Filing Date: January 29, 2002  
For: LIQUID CRYSTAL DISPLAY DEVICE AND  
MANUFACTURING METHOD THEREFOR  
Group Art Unit: 2871  
Examiner: DI GRAZIO, J. A.

SIR:

Attached hereto for filing are the following papers:

#### PROVISIONAL ELECTION OF SPECIES

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

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